

AMENDED IN ASSEMBLY APRIL 23, 2012

AMENDED IN ASSEMBLY APRIL 9, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1852

Introduced by Assembly Member Campos
(Coauthors: Assembly Members Alejo, Allen, Ammiano,
Blumenfield, Hill, Ma, Mitchell, Williams, and Yamada)
(Coauthor: Senator Evans)

February 22, 2012

An act to ~~add Section 26840.13 to the Government Code~~, to add Section 103627.8 to the Health and Safety Code, and to add Section 18309.10 to the Welfare and Institutions Code, relating to domestic violence.

LEGISLATIVE COUNSEL'S DIGEST

AB 1852, as amended, Campos. Vital records: fees: domestic violence.

Existing law requires the collection of fees for ~~issuing marriage licenses and for~~ providing certified copies of vital records, including marriage certificates, birth certificates, fetal death records, and death records. Existing law provides for the establishment of county domestic violence program special funds for the purpose of funding local domestic violence programs. Certain fees payable at the time ~~a marriage license~~ or a certified copy of any of the above-referenced vital records is issued may be collected by the county clerks for deposit into these funds. Additionally, existing law authorizes certain counties, upon making certain findings and declarations, to authorize an increase in fees ~~for marriage licenses and confidential marriage licenses and for certified~~

copies of certain vital records, as specified. Existing law requires the revenue from the fee increase to be allocated for purposes relating to domestic violence prevention, intervention, and prosecution.

This bill would authorize a county board of supervisors and certain city councils, upon making findings and declarations regarding the need for governmental oversight and coordination of the multiple agencies dealing with domestic violence, to authorize an increase in the fees for ~~marriage licenses and~~ certified copies of certain vital records up to a maximum of \$5 per license or record and to annually adjust that amount for inflation, as specified. This bill would require the fees to be allocated by the county or city for purposes relating to domestic violence prevention, intervention, and prosecution.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Domestic violence is costly, both in human and
- 4 organizational terms. The results of domestic violence have many
- 5 “hidden” costs, including job turnover, loss of productivity, school
- 6 absenteeism, and low school performance, in addition to the high
- 7 cost of law enforcement, civil and criminal justice, health services,
- 8 mental health services, substance abuse treatment, human services,
- 9 and community-based services.
- 10 (b) Domestic violence affects people of all economic and
- 11 education levels, age groups, ethnic groups, and other social and
- 12 community characteristics. Domestic violence is characterized by
- 13 a predictable, escalating cycle that can result in the injury or death
- 14 of victims, including children.
- 15 (c) Domestic violence puts children at risk. According to the
- 16 National Woman Abuse Prevention Project in Washington, D.C.,
- 17 children in homes where domestic violence occurs are physically
- 18 abused or seriously neglected at a rate significantly higher than
- 19 the national average in the general population.
- 20 (d) Child abuse and neglect have lifelong impacts on affected
- 21 children and society. Child abuse and neglect hinder brain
- 22 development in, and cause behavioral and emotional challenges
- 23 for, affected children. Studies have also shown that individuals

1 with adverse childhood experiences may demonstrate higher rates
2 of health problems, including obesity, alcoholism, depression,
3 cancer, and heart disease, as adults.

4 (e) Domestic violence is learned and generational. Studies show
5 that boys who witness family violence are more likely to batter
6 their female partners as adults than boys raised in nonviolent
7 homes. Girls who witness their mothers' abuse have higher rates
8 of being battered as adults.

9 (f) Family violence encompasses all types of violent crime
10 committed by an offender who is related to the victim either
11 biologically or legally through marriage or adoption.

12 (g) Domestic violence, child abuse and neglect, and family
13 violence require a multifaceted intervention that engages civil,
14 criminal, health, and social service sectors working together to
15 align objectives, protocols, policies, and activities of each sector.

16 ~~SEC. 2. Section 26840.13 is added to the Government Code,~~
17 ~~to read:~~

18 ~~26840.13. (a) A county board of supervisors, upon making~~
19 ~~findings and declarations on the need for governmental oversight~~
20 ~~and coordination of the multiple agencies dealing with domestic~~
21 ~~violence, may authorize an increase in the fees for marriage licenses~~
22 ~~and confidential marriage licenses, up to a maximum increase of~~
23 ~~five dollars (\$5).~~

24 ~~(b) Effective July 1 of each year, a county board of supervisors~~
25 ~~may authorize an increase in these fees by an amount equal to the~~
26 ~~increase in the Consumer Price Index for the San Francisco~~
27 ~~metropolitan area for the preceding calendar year, rounded to the~~
28 ~~nearest one-half dollar (\$0.50). The fees shall be allocated pursuant~~
29 ~~to Section 18309.10 of the Welfare and Institutions Code.~~

30 ~~(c) In addition to the fee prescribed by Section 26840.1, the~~
31 ~~person issuing authorization for the performance of a marriage or~~
32 ~~confidential marriage, or the county clerk upon providing a blank~~
33 ~~authorization form pursuant to Part 4 (commencing with Section~~
34 ~~500) of Division 3 of the Family Code, shall collect the fees~~
35 ~~specified in subdivisions (a) and (b) at the time of providing the~~
36 ~~authorization.~~

37 ~~SEC. 3.~~

38 ~~SEC. 2. Section 103627.8 is added to the Health and Safety~~
39 ~~Code, to read:~~

103627.8. (a) (1) A county board of supervisors, upon making findings and declarations supporting the need for governmental oversight and coordination of the multiple agencies dealing with domestic violence, may authorize an increase in the fees for certified copies of marriage certificates, birth certificates, fetal death records, and death records, up to a maximum increase of five dollars (\$5).

(2) A city council of a city with a local registrar, upon making findings and declarations supporting the need for governmental oversight and coordination of the multiple agencies dealing with domestic violence, may authorize an increase in the fees for certified copies of birth certificates, fetal death records, and death records, up to a maximum increase of five dollars (\$5).

(b) Effective July 1 of each year, a county board of supervisors and a city council of a city with a local registrar may authorize an increase in these fees by an amount equal to the increase in the Consumer Price Index for the San Francisco metropolitan area for the preceding calendar year, rounded to the nearest half-dollar (\$0.50). The fees shall be disposed of pursuant to the provisions of Section 18309.10 of the Welfare and Institutions Code.

(c) In addition to any other fees prescribed by law, an applicant for a certified copy of a birth certificate, fetal death record, or death record in a county or city shall pay the fees specified in subdivisions (a) and (b) to the local registrar, county recorder, or county clerk, as applicable, as established by the county board of supervisors or the city council of a city with a local registrar.

SEC. 4.

SEC. 3. Section 18309.10 is added to the Welfare and Institutions Code, to read:

18309.10. (a) A county board of supervisors shall direct the local registrar, county recorder, and county clerk to deposit fees collected pursuant to ~~Section 26840.13 of the Government Code~~ and Section 103627.8 of the Health and Safety Code into a special fund. The county may retain up to 4 percent of the fund for administrative costs associated with the collection and segregation of the additional fees and the deposit of these fees into the special fund. Proceeds from the fund shall be used for governmental oversight and coordination of domestic violence and family violence prevention, intervention, and prosecution efforts among the court system, the district attorney's office, the public defender's

1 office, law enforcement, the probation department, mental health,
2 substance abuse, and child welfare services, adult protective
3 services, and community-based organizations and other agencies
4 working in ~~Santa Clara County~~ *the county* in order to increase the
5 effectiveness of prevention, early intervention, and prosecution of
6 domestic and family violence.

7 (b) A city council of a city with a local registrar shall direct the
8 local registrar to deposit fees collected pursuant to Section
9 103627.8 of the Health and Safety Code into a special fund. The
10 city may retain up to 4 percent of the fund for administrative costs
11 associated with the collection and segregation of the additional
12 fees and the deposit of these fees into the special fund. Proceeds
13 from the fund shall be used for governmental oversight and
14 coordination of domestic violence and family violence prevention
15 and intervention efforts, including law enforcement, mental health,
16 public health, substance abuse, victim advocacy, community
17 education, and housing services, in order to increase the
18 effectiveness of prevention, early intervention, and prosecution of
19 domestic and family violence.

20 ~~SEC. 5.~~

21 *SEC. 4.* This act shall not be construed to affect any other law
22 that authorizes a county or city to increase fees for ~~marriage~~
23 ~~licenses and confidential marriage licenses~~ and certified copies of
24 marriage certificates, birth certificates, fetal death records, and
25 death records.